IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 28559 of 2007(Y)

PETITIONER:

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1. THE BOARD OF DIRECTORS OF THE RAMAPURAM SERVICE CO-OPERATIVE BANK LTD, P.O.RAMAPURAM,MALAPPURAM DISTRICT, REPRESENTED BY ITS PRESIDENT.

2. THE RAMAPURAM SERVICE CO-OPERATIVE BANK LTD, P.O.RAMAPURAM,MALAPPURAM DISTRICT, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

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1. THE INDUSTRIAL TRIBUNAL, PALAKKAD.

2. M.K.LEELAVATHY, KAMALAMKUNNATHU HOUSE, KATTILASSERY, KADUNGAPUAM P.O. ANGADIPURAM, MALAPPURAM DISTRICT.

R2 BY ADV. SRI.DEVIDAS.U.K
R1 BY GOVT. PLEADER SHRI. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 28559/07

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE ORDER NO: CRP-1/9037/02 DT. 15.11.2003

EXT.P2: -DO- OF THE LETTER NO: 3042/C3/05/CO-OP DT. 23.12.2006

EXT.P3: -DO- OF G.O.RT. 350/07/C0-OP DT. 21.5.2007

EXT.P4: -DO- OF GORT 1416/06/LBR/DT. 22.6.2006

EXT.P5: -DO- OF THE WRITTEN STATEMENT FILED IN I.D. 30 OF 2006 DT. 11.1.2007 BEFORE THE FIRST RESPONDENT

jj /TRUE COPY/

P.S TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.28559 of 2007-Y

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Dated this the 29th day of November, 2007.

JUDGMENT

The petitioners challenge the entertainment of a matter as an industrial dispute. The plea is that in view of Sections 69 and 70 of the Kerala Co-operative Societies Act, 1969, an industrial dispute is barred. It is unsustainable because, the Industrial Disputes Act is a Central enactment and the provisions of the KCS Act do not override the ID Act. The writ petition fails and that plea is rejected. However, the question whether the Assistant Secretary is a workman will have to be considered by the Industrial Tribunal during course of proceedings. Without prejudice to the petitioners' right to agitate that issue, this writ petition is dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/